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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,078	03/12/2004	James L. Snyder	650005.00058	8514
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27610 7590 01/30/2007  
AKZO NOBEL INC.  
300 SOUTH RIVERSIDE PLAZA SUITE 2200  
CHICAGO, IL 60606

EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS	01/30/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/799,078	SNYDER, JAMES L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tri M. Mai	3781	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/08/04</u> . | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 3781

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 8-20 have been renumbered 7-19.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wysocki (4194677). Wysocki teaches a carton having a pour spout so as to define a pour spout in the inner and outer wells of the carton. The pour spout having an outer layer hinged to the outerwall along a first fold line, and a spout inner layer hinged to the inner wall along a second fold line so that the pour spout can pivot about the fold lines between open and closed position and the spout inner layer and the inner wall abut in edge wise relation at a location between the fold lines and an end of the spout outer layer as claimed.

3. Claim 3, 5, 6, 7-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wysocki in view of Giblin (5145111)(col. 3, ln. 3-7). It would have been obvious to one of ordinary skill in the art to provide a layer vapor impermeable coating to provide protection and to enable one to hold the desired contents.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wysocki rejection, as set forth above in paragraph 2, and further in view of Roland (5660324). It would have been obvious to one of ordinary skill in the art to provide nick cut as taught by Roland, portion 43, col. (col. 2, ln. 57) to enable one to provide the added protection.

Art Unit: 3781

5. Claim 3, 5-10, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Giblin (5145111) or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Giblin in view of Griffiths (5209394). Giblin teaches a container from "Super MVTR board" wherein the spout is movable between a closed position and an open position in which contents forming a labyrinth seal in which an inner edge of the spout abuts the carton at a location between a spout fold line 66 and an outer edge. Note that "Super MVTR board" is clay coated board and having a MVTR of .8. (see Griffiths et al. 5209394 col. 5, ln. 27-67).


6. Claims 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giblin (5145111) rejection, as set forth in paragraph 4, and further in view of Kuchenbecker (5035330). Giblin teaches a container from "Super MVTR board" wherein the spout is movable between a closed position and an open position in which contents forming a labyrinth seal in which an inner edge of the spout abuts the carton at a location between a spout fold line 66 and an outer edge. Note that "Super MVTR board" is clay coated board and having a MVTR of .8. (see Griffiths et al. 5209394 col. 5, ln. 27-67). With respect to the inner layer, Kuchenbecker teaches that it is known in the art to provide an inner layer as well (col. 1, 44-46). Thus to provide an inner layer would have been obvious to provide added protection.

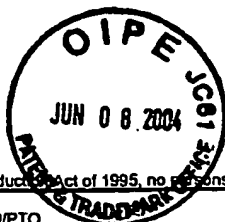
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai   
Primary Examiner  
Art Unit 3781



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

### Complete if Known

Application Number	10/799,078
Filing Date	March 12, 2004
First Named Inventor	James L. Snyder
Art Unit	
Examiner Name	
Attorney Docket Number	650005.00058

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
TM		US- 4,421,236	12/20/1983	Lowe	
		US- 5,145,111	09/08/1992	Giblin	
		US- 5,205,480	04/27/1993	Roccaforte	
		US- 5,209,394	05/11/1993	Griffiths, et al.	
		US- 5,320,279	06/14/1994	Giblin, et al.	
		US- 5,429,297	07/04/1995	Walsh	
		US- 5,531,376	07/02/1996	Brink, et al.	
		US- 6,158,654	12/12/2000	Zimmermann	
		US- 6,554,899	04/29/2003	Ogilvie, Jr., et al.	
		US- 2001/0005550	06/28/2001	Bengtsson, et al.	
		US- 2001/0046574	11/29/2001	Curtis	
		US- 2001/0055655	12/27/2001	Olvey	
		US- 2002/0061370	05/23/2002	Trani	
		US- 2002/0136878	09/26/2002	Salste, et al.	
		US- 2002/0172818	11/21/2002	DeBraul, et al.	
		US- 2002/0182347	12/05/2002	DeBraul, et al.	
		US- 2003/0091761	05/15/2003	Babcock, et al.	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			

Examiner Signature	/Tri Mai/	Date Considered	01/22/2007
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/799,078
		Filing Date	March 12, 2004
		First Named Inventor	James L. Snyder
		Art Unit	
		Examiner Name	
Sheet 2	of 2	Attorney Docket Number 650005.00058	

OTHER PRIOR ART–NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
TM		GEORGIA-PACIFIC, "Lamilux," Georgia-Pacific website, <a href="http://www.gp.com/packaging/products/lamilux.html">http://www.gp.com/packaging/products/lamilux.html</a> .	

Examiner Signature	/Tri Mai/	Date Considered	01/22/2007
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>Notice of References Cited</b>	Application/Control No. 10/799,078		Applicant(s)/Patent Under Reexamination SNYDER, JAMES L.	
	Examiner Tri M. Mai		Art Unit 3781	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,035,330	07-1991	Kuchenbecker, Morris W.	229/122
*	B	US-2,241,834	05-1941	WENTZ OSCAR W	229/125.01
*	C	US-5,316,212	05-1994	Eriksson et al.	229/215
*	D	US-5,445,316	08-1995	Roccaforte, Harry I.	229/215
*	E	US-5,531,376	07-1996	Brink et al.	229/215
*	F	US-5,145,111	09-1992	Giblin, Edward J.	229/219
*	G	US-5,660,324	08-1997	Rowland, Angela L.	229/215
*	H	US-4,194,677	03-1980	Wysocki, Lawrence	229/215
*	I	US-5,209,394	05-1993	Griffiths et al.	229/225
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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**NON-PATENT DOCUMENTS**

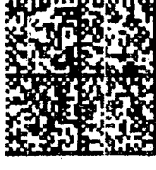
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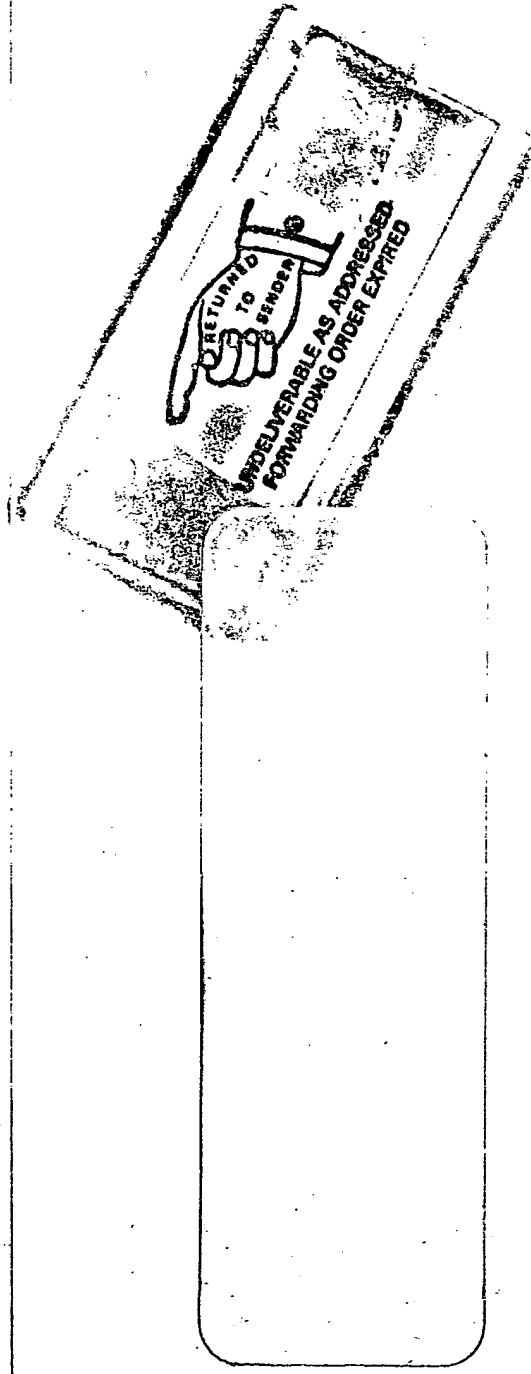


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